

In the
Indiana Supreme Court



IN THE MATTER OF THE)
)
APPROVAL OF A LOCAL RULE)
)
FOR ORANGE COUNTY)

Case No. 59S00-1203-MS- 166

ORDER APPROVING AMENDED LOCAL RULES

The judges of the Orange Circuit and Superior Courts request the approval of an amended local rule for special judge selection in accordance with Ind. Trial Rule 79. Attached to this Order is the proposed amended local rule.

Upon examination of the proposed rule amendment requested by the Orange Circuit and Superior Courts, this Court finds that the proposed rule amendment, LR59-TR79-1 complies with the requirements of Ind. Trial Rule 79, and accordingly, should be approved.

IT IS, THEREFORE, ORDERED by this Court that Orange County Local Rule, LR59-TR79-1, set forth as an attachment to this Order, is approved effective retroactive to July 1, 2011, provided further that the rule shall be posted in the county clerk's office(s) and on the county clerk's website, if any, and on the Indiana Judicial Website.

The Clerk of this Court is directed to forward a copy of this Order to the Hon. Larry R. Blanton, Orange Circuit Court, 1 Court Street, Courthouse, Paoli, IN 47454-1321; the Hon. R. Michael Cloud, Orange Superior Court, 205 East Main Street, Suite 16, Paoli, IN 47454; to the Clerk of the Orange Circuit and Superior Courts; and to the Division of State Court Administration. The Clerk is also directed to post this Order on the Court's website.

The Clerk of the Orange Circuit and Superior Courts is directed to enter this Order and attachment in the Record of Judgments and Orders for the Courts, to post this Order and attachment for examination by the Bar and the general public, and if available, to publish this Order and attachment on the county clerk's website.

DONE at Indianapolis, Indiana, this 9th day of March, 2012.

RT Shepard
Randall T. Shepard
Acting Chief Justice of Indiana

- A. **Selection of Administrative Judge.** On or before October 1st of each year, (or as soon thereafter as possible) the Judge of the Circuit or Superior Court of Orange County shall meet in person or electronically with the presiding judges of Administrative District 24 for the purpose of selecting a judge who is designated as the Administrative Judge. The Administrative Judge shall serve for a period of twelve (12) months, ending December 31 or until a replacement is selected after December 31.
- B. **Section H Appointments.** In the event it becomes necessary to appoint a special judge under Section H of Trial Rule 79 of the Indiana Rules of Trial Procedure or Indiana Rules of Criminal Procedure, the judge before whom the case is pending shall send notice of the need to appoint a special judge to the District's administrative judge who shall then make such assignment within five (5) days of receiving said notice.
- C. **Method of Assignment.** The Administrative District's assignment Judge shall select special Judges from a roster of the available Judges in the Administrative District. The assignments shall be in a sequential order beginning with the name of the Judge following the last Judge so assigned. A Judge who disqualifies is expected to take the next case assigned by the Administrative Judge. This will, in effect, require a Judge to take the same number of Special Judge cases as he/she disqualifies in. If a Judge is otherwise disqualified to hear a particular case, that Judge shall be deemed to be the next in sequence until assigned a case. The assignment Judge shall maintain a record of all assignments and shall issue a summary report of the assignments on a quarterly basis.
- D. **Roster of Available Judges.** The roster of available judges in Administrative District 24 shall be maintained by Court designation in the following sequential order and shall include senior Judges as available:
- | | |
|------------------------|---|
| (1) Harrison Circuit | (2) Harrison Superior |
| (3) Orange Circuit | (4) Orange Superior |
| (5) Washington Circuit | (6) Washington Superior |
| (7) Crawford Circuit | (8) Senior Judges approved for
the requesting Court. |

Appointment Order. Upon selecting a special judge, the assignment Judge shall prepare an Order of Appointment and forward said Order to the Judge before whom the case is pending who shall then sign and enter the Order of Appointment and forward a copy of the Order to the special judge and the attorneys of record.

E. Acceptance of Jurisdiction. The Order of Appointment, when entered by the judge before whom the case is pending, shall constitute acceptance of jurisdiction by the appointed special judge unless the judge is otherwise disqualified, and no special appearance, oath or additional evidence of acceptance shall be required.

F. Form of Order. The Order of Appointment shall be in the following form:

IN THE _____ COURT FOR _____ COUNTY

STATE OF INDIANA

(Caption)

ORDER OF APPOINTMENT

Under the provisions of Trial Rule 79(H) of the Indiana Rules of Trial Procedure, the Honorable _____ of the _____ Court of _____ County is hereby appointed to serve as special judge in the above-captioned case.

SO ORDERED THIS _____ DAY OF _____, _____.

Judge, _____ Court

Assigned this _____ day of _____, _____.

Administrative District #24
Administrative Judge

- G. Implementation of Rule.** In the event a selected Judge does not accept an appointment to serve as a special Judge under the provisions of section (D), (E) or (F) of Trial Rule 79 of the Indiana Rules of Trial Procedure, the judge before whom the case is pending shall notify the administrative Judge of the need for an appointment of a special judge under this local rule.
- H. Certification to Supreme Court.** If, under the provisions of this rule, no judge is eligible to serve as a special judge in a case, the administrative Judge shall notify the Judge before whom the case is pending who shall then certify such fact to the Indiana Supreme Court for the appointment of a special Judge. If the judge before whom the case is pending is of the opinion that the particular circumstances of a case warrants selection of a special judge by the Indiana Supreme Court, such judge shall certify such facts to the Indiana Supreme Court for the appointment of a special Judge. Under such circumstances this Rule shall not be implemented unless the Indiana Supreme Court declines to appoint a special Judge.